Stormy Skies Ahead? Important News Regarding a Hard Construction Insurance Market

Insight

The construction insurance industry has entered a hard market, seemingly overnight, warns Jason Adams, senior counsel at Gibbs Giden.

Pasich LLP Expands New York Office With Addition of Partner Peter Halprin

News

Peter A. Halprin has joined Pasich LLP as a partner in the firm’s New York office.

The Murky Waters Between ‘Good Faith’ and ‘Bad Faith’

Insight

The more sophisticated the business and risk management department is, the more likely they have a sophisticated insurer writing their coverage.

Contractual Insurance Requirements: Traps for the Unwary

Insight

Lyndon Bittle of Carrington Coleman discusses “traps for the unwary” lurking in construction contract insurance requirements, focusing on the ubiquitous commercial general liability policy.

Five Must-Haves for Avoiding Risky Disasters – Insurance Procurement Clauses

Insight

A Brouse McDowell Insurance Blog post discusses the drafting of insurance requirements in a contract to ensure that, in the event of a loss arising out of the work performed, parties will have assets available for that loss.

N.J. Appellate Court Confirms that AIA Construction Contract Bars Insurer's Subrogation Claim

News

A New Jersey has confirmed that the waiver of subrogation provision in a commonly used form construction contract precluded an insurer's claims against a subcontractor.

Think Twice About Depreciating Repair Costs in Our State, says the Tennessee Supreme Court

News

Tennessee's Supreme Court recently held that an insurer may not withhold repair labor costs as depreciation when the policy definition of actual cash value is found to be ambiguous. Tennessee joins other states like California and Vermont that prohibit the depreciation of repair labor costs in property policies.

Crumbling Concrete Not Covered Under ‘Collapse’ Provision in Homeowner’s Policy

Insight

In recent years, the foundations of approximately 35,000 homes in northeastern Connecticut have begun to deteriorate as a result of faulty concrete used to build homes during the 1980s and 1990s. Dozens of homeowners have been suing their insurers for denying coverage for claims based on the deteriorating foundations.

Indemnification Agreements and Insured Contracts

Insight

When a general contractor engages a sub to perform work on projects, the parties should always reduce their expectations and agreements to a written document in which both sides agree and acknowledge the terms.

Construction Defect Dispute Governed by Contract Disputes Act Not Yet Suited to Being a ‘Suit’

Insight

The Southern District of California recently held that a series of demands for a general contractor to investigate and repair several construction defects at a U.S. Army facility did not constitute a “suit” within the meaning of the general contractor’s commercial general liability policy.

Avoiding Commercial Lease Disputes – Clearly Reflecting the Intent of the Parties is Key

Insight

Entering into a clearly drafted lease agreement at the outset of the relationship helps to set expectations, which minimizes the possibility of disputes over how the lease should be interpreted, according to Ward and Smith.

‘Immoral and Barbaric’: Cancer-Surviving Judge Blasts Insurer For Denying Lawyer’s Treatment

News

One judge, who felt he had to recuse himself and who was a prostate cancer survivor himself, made it clear how he felt about the case.

Federal Appeals Court Upholds $9.5 Million Judgment for Encompass Office Solutions

News

The appellate court found that BlueCross BlueShield of Louisiana failed to properly reimburse Encompass Office Solutions for in-office medical procedures.

Why Do I Want/Need a Waiver

of Subrogation?

Insight

Ira Meislik of Meislik & Meislik, writing in the firm's Ruminations real estate law blog, examines the use of subrogation clauses in real estate leases in relation to insurance policies.

New York Regulator Subpoenas Insurance Broker Over Trump Organization Dealings

News

The subpoena came after former Trump lawyer Michael Cohen told Congress the president inflated the value of assets to insurers, according to Reuters.

Texas Supreme Court Ruling on Attorney-Client Privilege Can Benefit Insurers

News

The ruling is significant to Texas because it aligns the state with the federal rules on expert disclosure and production.

Service Contracts and the Magnuson-Moss Warranty Act

Insight

Although service contracts mirror many of the features of traditional insurance products, most states expressly exclude them from the statutory definition of insurance, according to an article by two Locke Lord lawyers.

Proposal for Flood-Prone Areas Would Affect Texas Consumers and Insurance Industry

News

A bill filed in the Texas Senate would require home sellers to disclose if their property is in a flood-prone area or if it has already flooded.

‘An’ Versus ‘Any’: When One Word Makes a Profound Difference in an Insurance Contract

Insight

The words “the,” “an” and “any” have been assigned significant importance in the case law, and are also at issue in cases examining other liability exclusions, according to Jones, Skelton & Hochuli.

PG&E’s Legal Exposure to Liability for Fires Could Cost Customers — Or Lead to Bankruptcy

News

If Pacific Gas and Electric Company is found liable for the devastating California fires now burning, the company’s customers could be on the hook to pay the bill, or even lead to a PG&E bankruptcy, according to *The New York Times*.